BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of	)	
Amendment of Parts 2 and 25 of the Commission's Rules to Allocate the 13.75 - 14.0 GHz Band to the Fixed-Satellite Service	)	ET Docket No. 96-20
	)	RM-8638

REPLY COMMENTS OF LORAL SPACE & COMMUNICATIONS LTD.

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April 26, 1996

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Through its counsel, Loral Space & Communications Ltd. ("Loral") hereby submits its reply comments in the above captioned proceeding. The date for filing replies in this proceeding was extended to April 26, 1996.[1] Loral believes that the Commission should move expeditiously to allocate this band for use by the Fixed-Satellite Service.

I. The Commission Should Conform its Spectrum Allocations to Reflect Its Satellite Policies

GE Americom notes that although the Commission proposes to allow use of the 13.75 - 14.0 GHz band for use by both domestic and international satellite systems, the Commission did not propose eliminating the restriction on

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[1] The deadline was extended to allow interested parties time to respond to the late filed comments of NASA. In the Matter of Amendment of Parts 2 and 25 of the Commissions Rules to Allocate the 13.75 - 14.0 GHz band to the Fixed-Satellite Service, Order Extending Time, (DA 96-579, Released April 12, 1996).

domestic use of the 10.95 - 11.2 and 11.45 - 11.7 GHz downlink bands.[2] GE Americom argues that since separate international satellite systems using these frequencies may provide service within the United States, an artificial distinction between domestic and separate system frequency use could not be enforced and, in any case, is contrary to the Commission's decision in DISCO I to eliminate the domestic/separate system distinction.[3]

Loral agrees with GE Americom that needlessly limiting the flexibility of satellite operators to efficiently use spectrum would be contrary to the Commission's stated policies in DISCO I to treat all satellites as international systems.[4] Accordingly, Loral joins GE Americom in urging the Commission to eliminate the prohibition on domestic use of the 10.95 - 11.2 and 11.45 - 11.7 GHz downlink bands. Coordination with terrestrial services can be easily accomplished where required.

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[2] See, Comments of GE Americom at 5.

[3] See, Comments of GE Americom at 8.

[4] Report and Order, Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems, FCC 96-14 (released January 22, 1996).

II. Adopting Exclusion Zones, As Suggested by NASA, May Preclude Meaningful Use of These Frequencies Until the Year 2000 and 2001

At the Commission's request, Loral has reviewed NASA's submission in this proceeding. Assessment of NASA's claims is difficult to make because NASA's comments were submitted in outline form, and therefore lack rationales and explanations for the changes suggested. Loral believes that NASA's intent was to suggest changes to the Commission's Notice to reflect the Final Acts of WRC-95 and provide protection for three systems: TDRSS, the TOPEX/POSEIDON altimeter and the TRMM precipitation radar.[5]

Loral supports protecting TDRSS operations, but agrees with COMSAT's suggestion that NASA should quickly move to relocate TDRSS operational frequencies to a higher band, consistent with WRC-92.[6] Loral also agrees with COMSAT that FSS applicants should participate in any intragovernment coordination discussions regarding possible interference to TDRSS.

Commercial demand for additional uplink spectrum exists today. Incorporating the proposed additional uplink spectrum would simplify spacecraft payload design and reduce per-channel cost. Protecting NASA's systems until the year 2000 and 2001 may have the effect of denying the

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[5] See generally, Comments of NASA.

[6] See, Comments of COMSAT at 4. (Advocating TDRSS relocation to the 25.25 - 27.5 GHz frequency band.)

U.S. public the benefits that would otherwise accrue if the spectrum could be used without the fragmentation required by NASA's proposals.

If NASA's comments are incorporated as written, satellite service providers who are licensed in the near term will be disadvantaged in designing and implementing the new Ku-band systems. Either they will not elect to provide capability for the 13.75 - 14.0 GHz band into their U.S. coverage, and thus create systems that will be drastically less efficient than systems launched after 2001, or they will design expanded capacity into their systems today that will remain unusable until 2001. In either case, efficiencies are lost, service diminished or delayed, and higher system costs will be apparent to consumers in the form of higher rates.

III. NASA's Proposed Language for Part 25 Needs Clarification

NASA has proposed changes to the Part 25 rules, providing suggested text at ¶ 6 of their Comments.[7] NASA's comments seem to advocate two distinct procedures regarding earth stations that may cause interference to NASA systems. In Paragraph 2(a) of their Comments, NASA suggests adding language regarding protection of TOPEX/POSEIDON requiring that "[e]arth stations within these zones will require *consultation on a case-by-case*

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[7] See, Comments of NASA at 3.

basis [emphasis added]."[8] NASA also suggests that, in order to protect TRMM, "[e]arth stations within these [exclusion] zones will require *coordination on a case-by-case basis* [emphasis added]"[9].

NASA also proposes far more stringent new rules that would add the following language to Part 25 of the Commission's rules regarding TOPEX/POSEIDON: "FSS Earth stations operating in the 13.75 - 14.0 GHz band *shall not be located* within the critical zones identified in Figure 1 until 1 January 2000 [emphasis added]." TRMM protection would be assured by adding a new rule: "FSS earth stations operating in the 13.75-13.8 GHz band *shall not be located* within the critical zones identified in Figure 2 until 1 January 2001 [emphasis added]."[10]

NASA's suggested rules would prohibit earth stations from being located in the proposed exclusion zones, not simply ensure protection to NASA's systems by requiring coordination. Loral respectfully suggests that if the Commission wishes to preserve the ability for satellite system operators using the 13.75 - 14.0 GHz band to coordinate with NASA's systems, the language suggested by NASA should be revised to reflect the coordination procedures to be used.

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[8] Id., at 2.

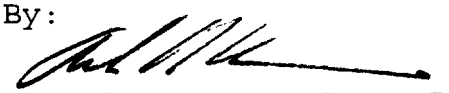
[9] Id.

[10] Id.

In conclusion, Loral believes that allocation of the 13.75 - 14.0 GHz band for uplinks to satellites in the fixed satellite service will stimulate additional competition and expand satellite operators ability to efficiently use scarce electromagnetic spectrum to provide satellite services both within the United States and internationally. We respectfully urge the Commission to adopt the allocation for use in the fixed satellite service.

Respectfully submitted,

LORAL SPACE & COMMUNICATIONS LTD.

By: 

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April 26, 1996

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of April, 1996, caused copies of the foregoing "Reply Comments of Loral Space & Communications Ltd." were delivered by first class mail, unless otherwise indicated, to the following individuals:

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